REMARKS/ARGUMENTS

In the Office Action, the Examiner noted that claims 1-26 are pending in the application and that claims 1-24 are rejected. By this response, claims 25 and 26 have been cancelled, and claims 1, 10, 18 and 21 have been amended. Thus, claims 1-24 remain pending in this application.

Restriction and/or Election Requirement

Claims 25 and 26 are subject to restriction and/or election requirement because claim 25 contains clearly divergent subject matter. The Examiner indicated that since Applicants have received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, the Examiner has withdrawn claims 25 and 26 from consideration as being directed to a non-election invention. Applicants herein have cancelled claims 25 and 26, pursuant to the Examiner's constructive election. Applicants reserve the right to prosecute the subject matter of claims 25 and 26 in one or more continuation, continuation-in-part, or divisional patent applications.

Official Notice Traverse

Applicants acknowledge the Examiner's statement in the Office Action regarding Official Notice Traverse. The Examiner previously noted statements which the Examiner asserted were "old and well-known in the art at the time of the invention". For example, the Examiner has made such a statement in regard to claim 2; namely, "It was old and well-known in the art at the time of the invention to collect and list notifications". Applicants have not traversed these statements (or assertions) by the Examiner. However, Applicants disagree with subsequent assertions that it would have been obvious to a person of ordinary skill in the art to combine the subject matter of these statements into the combination that is claimed in the present claims.

Rejection Under 35 U.S.C. §112, first paragraph

The Examiner has rejected claim 23 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Page 13, lines

8-13, and page 14, lines 22-26, have been amended so that EDI refers to "electronic data interchange". A typographical error in the original specification inadvertently identified EDI as "extended data interface". The amendment herein corrects the definition of the term EDI which also complies with Microsoft's Computer Dictionary definition, and which is a term that is well understood in the industry. The rejection of claim 23 under 35 U.S.C. §112, first paragraph, is herein believed to be overcome by the amendment to the specification.

Rejections Under 35 U.S.C. §103

Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Katz, et al.* (U.S. 2002/0065950) and further in view of *Kageyama* (U.S. Patent 6,333,790). Claims 2-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Katz, et al.* (U.S. 2002/0065950) in view of *Kageyama* (U.S. Patent 6,333,790) and further in view of Official Notice.

In regard to claim 1, the Examiner asserts that *Katz* teaches a personal computer having a web browser and a messaging system, a communication link as recited in claim 1, a consumable order assistance computer program as recited in claim 1, but *Katz* does not teach a messaging system wherein an embedded web server is provided in a peripheral device. The Examiner then asserts that *Kageyama* teaches a server that is embedded in a peripheral device and that it would have been obvious to include in *Katz* the embedded web server of *Kageyama* in order to permit multiple printers with different functionality to report to one computer without having to provide control functionality at the computer level, and thus reducing the amount of software and control the computer is required to maintain.

Applicants disagree with the Examiner's assertion in that *Katz* does not teach the combination of a personal computer having a web browser and a messaging system along with a consumable order assistance computer program in combination with at least one computer peripheral device that has an embedded web server and a messaging system provided by the embedded web server, with a communication link signal coupling the personal computer with a seller of a consumable for the computer peripheral device via the web browser,

and with the consumable order assistance computer program configured to "a) receive a notification from the computer peripheral device of a need to order a consumable via the messaging system of the personal computer and the messaging system of the at least one computer peripheral device, b) alert a user of the personal computer of the notification, and c) provide an order location to the user for the consumable" and further providing "wherein the consumable order assistance system is configured for multiple unique functionality levels to provide consumable order assistance when ordering the consumable, the multiple unique functionality levels being configured to be at a level that is required by a customer, and wherein the embedded web server is configured to push information from the computer peripheral device to the personal computer".

Katz provides a peripheral interface agent (PIA) that enables dynamic detection and recognition of peripheral devices installed in or removed from a television set top box (STB) while the STB system is operating, and the initiation of e-commerce transactions in response to such detection (see page 1, col. 2, paragraph 16). *Katz* further teaches systems of invoking retrieval of software or data from a first source (a client system) to a peripheral device that is capable of communicating with the first source (see paragraphs 18 and 23 on page 2).

More particularly, *Katz, et al.* teaches a transactional system that responds to events associated with installation, removal or device-generated events occurring during operation of peripheral devices in a set top box (STB) environment. By way of example, *Katz* teaches a system that can respond to a "low ink" event or message from a printer connected to a set top box, by automatically navigating to an e-commerce URL to enable the user to order additional ink. The agent that enables this functionality is referred to herein as a peripheral interface agent (PIA). The key purpose for the PIA is device discovery. The PIA contains a database of all devices known to have supporting drivers or other software on a PIA server (see page 5, paragraph 67).

By way of further example, *Katz, et al.* indicates that, when a user plugs a printer into a set top box, the PIA could prompt the user to enter into an e-commerce transaction, such as the purchase of additional paper, toner, or

other supplies, or font software or other applications. By further way of example, the PIA can respond to a "low ink" event or message from a printer by automatically causing the browser to navigate to an e-commerce URL to enable the user to order additional ink. However, *Katz, et al.* teaches the use of a PIA server in relation to a set top box environment which differs significantly from the environment presented by Applicants' invention. The provision of a set top box environment is substantially more complicated than the environment presented in Applicants' invention, which is specifically directed towards computers and computer peripheral devices that are provided within a single connection environment, an unmanaged network environment, or a centralized enterprise network environment (see page 2, Field of the Invention).

In contrast, the device of claim 1 requires that each computer peripheral device communicates through the personal computer when triggering the ordering of a consumable. Furthermore, claim 1 includes the limitation "wherein the embedded web server is configured to push information from the computer peripheral device to the personal computer". The Examiner has failed to show where *Katz* and/or *Kageyama* teach or suggest such an embedded web server configured to push information from the computer peripheral device to the personal computer.

Secondly, the Examiner has incorrectly asserted that *Kageyama* teaches different levels of functionality, as recited in claim 1: "...wherein the consumable order assistance system is configured for multiple unique functionality levels to provide consumable order assistance when ordering the consumable, the multiple unique functionality levels being configured to be at a level that is required by a customer,...". The Examiner is incorrect in stating that *Kageyama* teaches or suggests this claim limitation. Instead, *Kageyama* teaches an apparatus and method for storing updated programs and updated data in a system such as a print controller used in a printer (see col. 14, lines 56-60, and col. 13, lines 55-57). Accordingly, a printer manufacturer can register and store updated programs and updated data in a second computer which manages all of the printers of a manufacturer (see col. 13, lines 64-67). The second computer then transmits information for processing updating of the programs and the data for the printer to the printer controller (see col. 14,

lines 1-3). Nowhere does *Kageyama* teach or suggest the above-recited limitation of claim 1 (which is further recited as multiple unique functionality levels in independent claims 10, 18 and 21). Nowhere does *Kageyama* teach or suggest the consumable order assistance system configured for such multiple unique functionality levels corresponding with a level that is required by a customer. *Kageyama, et al.* merely teaches the updating of programs and data for a printer controller.

In order for the Examiner to prove a case of *prima facie* obviousness, the Examiner must provide: 1) one or more references; 2) that were available to the inventor and; 3) that teach; 4) a suggestion to combine or modify the references; 5) the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art. Here the Examiner has failed to teach or suggest the limitations of claim 1. More particularly, the Examiner has failed to show a teaching or suggestion wherein an embedded web server is configured to push information from a computer peripheral device to a personal computer, in combination with the remaining limitations found in amended claim 1. Secondly, the Examiner has failed to show a teaching or suggestion for the different levels of functionality, as recited above.

The above arguments with respect to claim 1 are further recited with respect to independent claim 21 where independent claim 21 recites "the embedded web server is configured to push information from the computer peripheral device to the personal computer". Nowhere is this limitation taught or suggested by the prior art of record in the present Office Action from the Examiner. The Examiner has directed attention to the response provided by the Examiner to claim 1. However, the response to claim 1 does not address the situation where "the embedded web server is configured to push information from the computer peripheral device to the personal computer".

Independent claims 1, 10, 18 and 21 have been amended herein and withdrawal of the rejections to claims 1-24 is respectfully requested.

CONCLUSION

For all the reasons advanced above, Applicants respectfully submit that the application is in condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

Respectfully submitted,

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